

1                                   **CALVIN JOHNSON,**  
2   having been first duly sworn, testified as follows:

3                                   **DIRECT EXAMINATION**

4   BY MS. BAKER:

5           Q     Mr. Johnson, would you state and spell your  
6   name, please?

7           A     It's Calvin Johnson.  The first name Calvin,  
8   C-A-L-V-I-N; last name Johnson, J-O-H-N-S-O-N.

9           Q     We had a little hard time hearing the last  
10   witness.  Thank you for speaking loudly.

11          A     All right.

12          Q     Now, Mr. Johnson, how are you employed?

13          A     I'm an investigator with the Harris County  
14   District Attorney's Office.

15          Q     And what are your duties?

16          A     I've got many duties.  Right now I'm  
17   assigned to the white collar crime section, but I'm  
18   also a technical investigator and I also do a lot of  
19   the undercover roles that's needed in the Special  
20   Crimes Bureau.

21          Q     All right.  Back in 2009 do you remember  
22   arriving at a location 1585 South Highway 6 in Harris  
23   County, Texas?

24          A     Yes, ma'am, that is correct.

25          Q     And why did you go to that location?

1           A       We went to that location because we were  
2 going to conduct an undercover sting at that  
3 location.

4           Q       What kind of information -- what kind of  
5 information about the activity going on at 1585 South  
6 Highway 6 did you hear about?

7           A       We received information that there was a  
8 gentleman there who was acting as an attorney, but  
9 was really not an attorney.

10          Q       Did you know who your target was?

11          A       Yes, we did.

12          Q       What was his name?

13          A       Kennedy, Jay Kennedy.

14          Q       John Kennedy?

15          A       John Kennedy, John B. Kennedy.

16          Q       When you arrived at the location, what kind  
17 of business was it?

18          A       This was a storefront. It was in a strip  
19 center. Several business was in the center. There  
20 was a convenience store, gas station-type business  
21 there. There was also a -- I think it was cell  
22 phone, cell phone shop there. And also there was a  
23 business there that looked like -- it had a bunch of  
24 signs that was dealing with attorney type  
25 situations.

1 Q Attorney services?

2 A Services, yes, ma'am.

3 Q Similar to a law office?

4 A Yes, ma'am, that is correct.

5 Q Was there a van parked nearby?

6 A Yes, there was a van out front. It was a  
7 maroon Chevrolet van.

8 Q Was there anything interesting on the side  
9 of the van?

10 A Yes. It had banners all over it which  
11 said -- had attorney services.

12 Q I'm showing you State's Exhibit 5. Is that  
13 a photograph of the van?

14 A Yes, ma'am. That is a photograph of the  
15 van.

16 Q Was it taken -- does it appear it was taken  
17 at or near the time that you were at this location  
18 off of Highway 6?

19 A Yes, ma'am, that's is correct.

20 MS. BAKER: We will offer into  
21 evidence State's Exhibit 5 after tendering to defense  
22 counsel.

23 MR. OWMBY: No objection, Your Honor.

24 THE COURT: It will be admitted,  
25 State's No. 5.

1                   *(State's Exhibit No. 5 is admitted.)*

2           Q     (BY MS. BAKER) Did you run the license plates  
3 on that vehicle?

4           A     Yes, ma'am. I do believe that we did run  
5 the license plate on the vehicle, yes.

6           Q     Did it come back to Mr. Kennedy?

7           A     Yes, ma'am, it did.

8           Q     I'm going to show you -- did you talk to  
9 Mr. Kennedy?

10          A     After the sting was over, yes, ma'am, we did  
11 talk to him.

12          Q     And was he inside the storefront that  
13 appeared to be a law office?

14          A     Yes, ma'am, he was.

15          Q     And I'm showing you State's Exhibit 4. Does  
16 that appear to be a picture of Mr. Kennedy that was  
17 taken inside of the law office?

18          A     Yes, ma'am, it does represent.

19                   MS. BAKER: We will offer into  
20 evidence State's Exhibit 4 after tendering to defense  
21 counsel.

22                   MR. OWMBY: No objections.

23                   THE COURT: State's 4 is admitted  
24 without objection.

25                   *(State's Exhibit No. 4 is admitted.)*

1 Q (BY MS. BAKER) And were there documents  
2 inside on the wall behind Mr. Kennedy that indicated  
3 that they did legal services at this office?

4 A Yes, ma'am, that would be correct.

5 Q Were there any other employees at this  
6 office?

7 A There was no one in the -- in the office at  
8 the time when we were there except Mr. Kennedy.

9 MS. BAKER: I'll pass the witness.

10 THE COURT: Thank you.

11 **CROSS-EXAMINATION**

12 BY MR. OWMBY:

13 Q Mr. Johnson, you talked about these events  
14 of April 3rd, 2009.

15 A 2009, yes, sir.

16 Q All right. Was that the only time you  
17 visited this storefront for the purposes of this  
18 investigation?

19 A I had been to that location before because  
20 of complaints that we received to the office. I  
21 think it had been back sometime in 2008 we received  
22 complaints in regards to this office.

23 Q All right. So on April 3rd, 2009, you went  
24 out to investigate those complaints?

25 A Well, in 2009 we went out there for

1 proactive -- proactive investigation. In 2008 we  
2 just went out to check -- check the location out and  
3 see the -- see if there was indeed a van out front  
4 and if there was a law office at that location.

5 Q Now, on April 3rd, 2009, you made an arrest  
6 of Mr. Kennedy?

7 A Yes, ma'am -- yes, sir. He was arrested at  
8 this time, yes.

9 Q And what did you arrest him for at that  
10 time?

11 A It was on an outstanding warrant that had  
12 been filed in another court. I think it was for  
13 holding -- holding oneself out as a lawyer or  
14 something like that.

15 Q So a warrant that was already outstanding?

16 A Yes, sir, that is correct.

17 Q And while you were visiting there you --  
18 part of your proactive -- part of your proactive  
19 operation was to call Mr. Kennedy that day; is that  
20 correct?

21 A To call him?

22 Q Did you call him on April 3rd, 2009?

23 A Did I call him? No, I didn't call him, no.

24 MS. BAKER: Not that day.

25 A Not that day.

1 Q (BY MR. OWMBY) So that day was just to make  
2 the arrest?

3 A That day was to -- to send an undercover  
4 officer into the location to determine if he would  
5 take a -- would hold himself out as an attorney.

6 Q And he did not?

7 A No, sir. The proactive investigation did  
8 not -- did not go that day.

9 Q By not going you mean Mr. Kennedy did not  
10 that day hold himself out as an attorney?

11 A Yes, sir, that is correct.

12 Q In fact, that day he held himself out as a  
13 clerk, secretary, intake person, something along that  
14 line?

15 A I'm not sure exactly of what the details,  
16 but we did not have enough to file on him for holding  
17 himself out as an attorney on that day.

18 Q And you don't have the details for that day,  
19 but you do know that when you called him he would not  
20 schedule a meeting with you as a lawyer, he would not  
21 tell you he was a lawyer, he said you'd have to come  
22 in and meet with the lawyer?

23 A He did tell me I would have to come in and  
24 meet with him, yes.

25 Q All right. And even though -- and this may

1 be my conclusion. It sounds like the questions that  
2 you were asking him, the propositions that you put to  
3 him were designed to allow him to say, yeah, you can  
4 come in and meet with me and I'll take care of you?

5 A That was the point of the investigation.  
6 Yes, sir.

7 Q He never said that; isn't that true?

8 A No. He told me to come in and he'd talk to  
9 me.

10 Q All right. Now --

11 THE COURT: Excuse me. Come in and  
12 what?

13 THE WITNESS: And talk -- and talk --  
14 he told me -- he told me I need to come in and talk  
15 with him about the services that I needed.

16 Q (BY MR. OWMBY) All right. Did you search the  
17 office that day?

18 A Yes, sir. I think there was a search of the  
19 office.

20 Q All right. Did you find any -- did you find  
21 large amounts of money at the office that day?

22 A There was money found at the office. If I'm  
23 not mistaken I think \$600 was found that day.

24 Q Did you find that day correspondence with  
25 attorneys?



1           A       I don't recall.

2           Q       Did you find that an attorney was associated  
3 with the firm --

4                   MR. OWMBY:   Say his name, please.

5                   THE DEFENDANT:   Khozani Saffary.

6           Q       (BY MR. OWMBY) Khozani Saffary.

7           A       The name sounds familiar.  I think that  
8 might have been who was called to take custody of the  
9 location once Mr. Kennedy was arrested.

10          Q       So this attorney, Mr. Saffary, took  
11 possession of the office?

12          A       Yes, sir.  I believe that is correct.

13                   THE COURT:   Do you know how you spell  
14 that?

15                   THE WITNESS:   I don't have a clue.

16                   THE COURT:   All right.  That's okay.  
17 Go forward.

18                   Go forward, Mr. Owmbly.

19          Q       (BY MR. OWMBY) Is that Mr. Saffary's office?  
20 Did he use that office as an address for the State  
21 Bar, Mr. Saffary?

22          A       I can't -- I don't -- can't answer that.  I  
23 do not know that.

24          Q       Now, did you find at the office in Houston  
25 any ledgers or evidence that Mr. Kennedy had retained

1 large sums of money from whatever operation was going  
2 on?

3 A I don't recall.

4 Q Did you take part in the investigation of  
5 Mr. Kennedy in any other way than what we've  
6 discussed here today, which is I believe arrested him  
7 in his office, and participated in a proactive sting,  
8 calling him on the phone and participating in an  
9 undercover operation?

10 A I think that would be pretty much all I'd  
11 done in regards to Mr. Kennedy.

12 Q Have you taken part in other operations,  
13 investigations of what sometimes turns out to be fee  
14 splitting, barraging, those types of investigations  
15 before?

16 A Yes, sir, I have.

17 Q How many of those type of investigations  
18 have you taken part in?

19 MS. BAKER: I object to the relevance  
20 of that, Your Honor.

21 THE COURT: That's sustained.

22 Q (BY MR. OWMBY) Would you say it's pretty  
23 typical for lawyers -- well, I won't say that.

24 You've seen many instances where  
25 lawyers employ what's sometimes called runners,

1 people to acquire business, correct?

2 MS. BAKER: I object to the relevance  
3 of that, Your Honor.

4 THE COURT: Well, I'm going to give you  
5 a little leeway, but let's get to it.

6 Q (BY MR. OWMBY) Isn't that correct?

7 A Yes, sir. We do -- they do use runners,  
8 yes.

9 Q So in those situations the lawyer would get  
10 part of the fee and another person would get another  
11 part of the fee; is that correct?

12 A That's correct, yes, sir.

13 Q Did you find in the case of Mr. Kennedy  
14 during your examination any evidence of an  
15 association like that?

16 A I do not recall. I wasn't that involved in  
17 the investigation to be able to answer that.

18 MR. OWMBY: Pass this witness.

19 THE COURT: Thank you.

20 MS. BAKER: No questions, Your Honor.

21 THE COURT: May this witness be excused  
22 not suggest to recall?

23 MR. OWMBY: Yes, Your Honor.

24 MS. BAKER: Yes, Your Honor.

25 THE COURT: You may step down. Thank

1 you for your time and your testimony, sir.

2 Call your next, please.

3 MS. BAKER: State of Texas rests.

4 MR. OWMBY: May I have just a moment,

5 Your Honor.

6 (Attorney and defendant confer.)

7 MR. OWMBY: My client wishes to take a

8 rest room break and then we're going to call him.

9 THE COURT: All right. We will take a  
10 break. Fifteen minutes, 3:15, please.

11 (Recess.)

12 THE COURT: Okay. Are both sides ready  
13 to proceed?

14 MS. BAKER: State's ready.

15 THE COURT: Are you ready to proceed?

16 MR. OWMBY: We are, Your Honor.

17 THE COURT: Okay. Call your first.

18 MR. OWMBY: Call John Kennedy.

19 THE COURT: Mr. Kennedy, please raise  
20 your right hand to be sworn.

21 (Witness sworn.)

22 THE WITNESS: Yes, I do.

23 THE COURT: Please come around.

24 MR. OWMBY: May we proceed, Your Honor?

25 THE COURT: You may.